

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

AUG 7 2023

DAVID JOSEPH MEISTER,

Petitioner-Appellant,

v.

TYRELL DAVIS,

Respondent-Appellee.

No. 22-35830

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

D.C. No. 1:19-cv-00173-DKG
District of Idaho,
Boise

ORDER

Before: TALLMAN and IKUTA, Circuit Judges.

Appellant's motion for leave to file an oversized request for a certificate of appealability (Docket Entry No. 3) is granted.

The request for a certificate of appealability (Docket Entry No. 4) is denied because the underlying 28 U.S.C. § 2254 habeas petition fails to state any federal constitutional claims debatable among jurists of reason. *See* 28 U.S.C.

§ 2253(c)(2)-(3); *Gonzalez v. Thaler*, 565 U.S. 134, 140-41 (2012) (“When ... the district court denies relief on procedural grounds, the petitioner seeking a COA must show both ‘that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.’”) (quoting *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)).

Any pending motions are denied as moot.

DENIED.